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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	Criminal Case No. CR 12-0585-SI
)	
Plaintiff,)	
)	
v.)	STIPULATION OF PARTIES
)	FOR CONTINUANCE OF
)	STATUS HEARING
)	AND PROPOSED ORDER
NESTOR GARAY,)	
RANULFO LOYOLA-CISNEROS, and)	
MIRIAM LUNA-PEREZ,)	
a/k/a FRANIA CONTRERAS)	
)	
Defendants.)	

With the agreement of the parties, and with the consent of the defendant MIRIAM LUNA-PEREZ, aka Frania Contreras, the Court enters this order (1) vacating the status hearing and motions setting date only for defendant MIRIAM LUNA-PEREZ, currently set for Monday, October 15, 2012 at 2:00 p.m.; and (2) setting a new status hearing and motions setting for defendant MIRIAM LUNA-PEREZ for October 24, 2012 at 9:00 a.m. The parties agree, and the Court finds and holds, as follows:

1. Defendants NESTOR GARAY, RANULFO LOYOLA-CISNEROS and MIRIAM LUNA-PEREZ, aka Frania Contreras, were indicted on July 26, 2012 for Conspiracy to Distribute and Possess With Intent To Distribute Methamphetamine; Distribution of and Possession With Intent to Distribute Methamphetamine; and Drug Forfeiture, and were arraigned before Magistrate Laporte on August 2, 2012.
2. A date for the first appearance, status hearing and motions setting was previously set for Friday, August 24, 2012. at 11:00 a.m. before this Court. By stipulation of all parties, that date was continued to September 14, 2012, at 11 a.m. That date was further continued by stipulation to October 19, 2012, and has recently been moved by this Court to October 15, 2012 at 2 p.m. To date, the Government has provided discovery to all three defendants, but have yet to finalize the terms of the plea agreements.
3. Counsel for the Government and the defendants have been in regular communication regarding potential resolution of the pending charges against all three defendants. All three defendants have reached tentative resolution of each of their cases involving guilty pleas pursuant to plea agreements, with two defendants potentially providing on-going cooperation. Therefore, resolution of the entire case is imminent, however additional time is necessary for cooperation to reach a critical stage and for terms of each individual plea agreement to be finalized and approved by all parties.
4. Counsel for defendant MIRIAM LUNA-PEREZ is, however, unavailable and away for the District on Monday, October 15, 2012.
5. Based upon the unavailability of counsel for defendant MIRIAM LUNA-PEREZ the parties jointly request a status hearing, motions setting and potential disposition date be set by the Court for Wednesday, October 24, 2012 at 9:00 a.m.
6. MIRIAM LUNA-PEREZ, agrees to a waiver of time for the purposes of the Speedy Trial Act and specifically agrees that the period of time between October 15, 2012 through October 24, 2012 may be excluded from computation under the Speedy

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Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), in light of the need
for additional time for adequate defense preparation and resolution of the entirety
of the case.

SO STIPULATED.

MELINDA HAAG
United States Attorney

DATED: October 12, 2012

/s/

RICHARD C. CHENG
Assistant U.S. Attorney

DATED: October 12, 2012

/s/

FRANK BELL, ESQ.
Attorney for MIRIAM LUNA-PEREZ

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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA
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8 UNITED STATES OF AMERICA,)

9 Plaintiff,)

10 v.)

11 NESTOR GARAY,)
12 RANULFO LOYOLA-CISNEROS, and)
13 MIRIAM LUNA-PEREZ,)
14 a/k/a FRANIA CONTRERAS)

15 Defendants.)
16

Criminal Case No. CR 12-0585-SI

ORDER

17 For the reasons stated in the parties Stipulation To Continue, and for good cause shown,
18 the Court vacates the October 15, 2012 status hearing and motions setting date with respect only
19 defendant MIRIAM LUNA-PEREZ, and sets a status hearing and motions hearing date of October
20 24, 2012, at 9:00 a.m.

21 The Court further excludes time under the Speedy Trial Act from October 15, 2012 to
22 October 24, 2012, and finds that the ends of justice served by the continuance outweigh the best
23 interest of the public and the defendant in a speedy trial pursuant to 18 U.S.C. § 3161(h)(7)(A) and
24 (B)(iv), in light of the need for additional time for adequate defense preparation and resolution of
25 the entirety of the case.

26 DATED: 10/15/2012

